

United States Department of Agriculture.

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 332, FOOD AND DRUGS ACT.

MISBRANDING OF BUTTER.

On or about August 17, 1909, G. Herman, of Pierceville, Ind., shipped from the State of Indiana to the State of Ohio 160 boxes of butter labeled "Extra Quality Red Ribbon Brand Elgin Creamery Butter. The Andrew Rohan Co., Exclusive Distributors, Cincinnati, O." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

In due course a libel was filed against the said 160 boxes of butter charging misbranding, in that they were labeled "Elgin Creamery Butter," which statement was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the product was what is known as "Elgin Creamery Butter" made at the Elgin Creameries at or near Elgin, Ill., whereas, in truth and in fact, it was not made at the Elgin Creameries but was made by G. Herman, at his creamery at Pierceville, Ind., and praying seizure, condemnation, and forfeiture.

On August 19, 1909, the claimants filed an answer admitting the facts alleged in the libel and on August 24, 1909, the case came on for hearing and the court entered a decree of condemnation and forfeiture, and directed that the goods be released on the payment of costs and the filing of a bond to be approved by the court, conditioned that the said goods shall not be disposed of contrary to the laws of the United States or of any State, Territory, or insular possession thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 12, 1910.*

